

JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, January 21, 2020

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Sam Handschke, followed by the Pledge of Allegiance led by Senate page Jordan Kitzmiller.

Roll Call: All members present except Sen. Partridge who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brock L. Greenfield, Chair

Which motion prevailed.

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COMMUNICATIONS AND PETITIONS

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September 6, 2019

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The Honorable Larry Rhoden

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President of the Senate

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State Capitol

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Pierre, SD 57501

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RE: Re-appointment of Charles P. Schroyer, to the Board of Pardons and Paroles

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Dear President and Members of the Senate:

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Pursuant to the provisions of SDCL 24-13-1, and subject to your confirmation, the Court has reappointed Charles P. Schroyer, an attorney from Pierre, South Dakota to the Board of Pardons and Paroles. Accordingly, the Court requests that you submit said appointment to the Senate for consent.

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We will await your advice as to the Senate's action regarding this appointment. Thank you for your continued cooperation.

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Very truly yours,
Shirley A. Jameson-Fergel

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The President announced the referral of the reappointment to the Committee on Judiciary.

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September 6, 2019

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The Honorable Larry Rhoden

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President of the Senate

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State Capitol

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Pierre, SD 57501

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RE: Appointment of Gordon Swanson, to the Board of Pardons and Paroles

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Dear President and Members of the Senate:

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Pursuant to the provisions of SDCL 24-13-1, and subject to your confirmation, the Court has appointed Gordon Swanson, an attorney from Rapid City, South Dakota to the Board of Pardons and Paroles. Accordingly, the Court requests that you submit said appointment to the Senate for consent.

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We will await your advice as to the Senate's action regarding this appointment. Thank you for your continued cooperation.

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Very truly yours,
Shirley A. Jameson-Fergel

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The President announced the referral of the appointment to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Joint Committee on Legislative Procedure respectfully reports that it has had under consideration the following additions to the joint rules and returns the same with the recommendation that said rules be adopted:

3-1. Appointment of legislative employees. The president pro tempore of the Senate shall appoint all necessary employees for the Senate. The speaker of the House shall appoint all necessary employees of the House. All employee positions shall be described in a uniform compensation and classification ~~manual schedule~~ which shall be annually reviewed by the Executive Board of the Legislative Research Council ~~and approved by the Joint Select Committee on Compensation.~~

3-1.1 Administration of intern program. The Executive Board shall administer the program and supervise the college student interns who are assigned to the legislative branch of government.

6A-1. Legislative Documents. Only bills and the following may be introduced in the Legislature:

(1) A House or Senate resolution pertains to the affairs of one house only and requires action only by the legislative chamber concerned. A House or Senate resolution may be used to express an opinion or principle of one house, to express an opinion to or make a request of the other house, to regulate procedure, or to refer a topic to the Executive Board of the Legislative Research Council for possible study by an interim study committee;

(2) A concurrent resolution does not have the force of law. A concurrent resolution shall only be used to express an opinion or principle of the Legislature, to authorize interim studies, sessions or committees, to instruct a department of state government, or to petition federal agencies;

(3) A joint resolution contains matters of legislation only. A joint resolution may be used to refer a matter for referendum to the people, to place a constitutional amendment on the ballot at the next general election, to ratify proposed amendments to the United States Constitution, to enact legislative reapportionment, or to grant a water right pursuant to § 46-5-20.1;

(4) A House or Senate resolution of disapproval as provided under Article IV, Section 8, of the South Dakota Constitution; and

(5) A legislative commemoration expresses recognition of service or achievements of national or statewide importance or expresses sorrow over death or loss.

6A-8. Title and sponsors placed on bills and resolutions. Before a bill or resolution is introduced, its title and the name or names of the member, members, or committee introducing the bill or resolution shall be ~~printed~~shown on it.

6B-1. Time for introduction of bills, ~~number of copies for introduction,~~ and bills are property of Legislature. Any member or committee desiring to introduce a bill, resolution, or commemoration shall electronically file two copies of the bill, resolution, or commemoration with the bill clerk at least two hours prior to the opening of the daily session. Any bill, resolution, or commemoration filed ~~with the bill clerk~~ and duly numbered becomes the property of the Legislature.

6B-2. Numbering of bills and resolutions. Bills shall be numbered consecutively as introduced, beginning with No. 1 for Senate bills and with No. 1001 for House bills. ~~Resolutions shall be numbered consecutively as introduced, beginning with No. 1001 for House resolutions and with No. 1 for Senate resolutions. Joint resolutions shall be numbered consecutively as introduced, beginning with No. 501 for Senate joint resolutions and with No. 5001 for House joint resolutions. Concurrent resolutions shall be numbered consecutively as introduced, beginning with No. 601 for Senate concurrent resolutions and with No. 6001 for House concurrent resolutions. Resolutions shall be numbered consecutively as introduced, beginning with No. 701 for Senate resolutions and with No. 7001 for House resolutions.~~

6B-4. Sponsorship of bills and resolutions. Any bill, joint resolution, or concurrent resolution may be introduced by any member or members of the house of origin. Any member or members of the other house may join the member or members of the house of origin in introducing the bill or resolution. After introduction, a member's name may be electronically added as a cosponsor or as prime sponsor to a bill or resolution upon the request of the member and the approval of the prime sponsor of the bill or resolution any time before the enrolling of the bill. After introduction, a member's name may be removed upon the request of the member any time before the enrolling of the bill.

6B-5. Committee introduction of bills and resolutions. No bill or joint resolution may be introduced in either house of the Legislature by any committee thereof, except:

(1) A bill or a joint resolution introduced by any standing committee of either house;

(2) A bill or joint resolution referred to the Legislature from an interim committee of the State Legislative Research Council;

(3) A bill or joint resolution introduced at the request of the interim Rules Review Committee, the interim Government Operations and Audit Committee, the interim Retirement Laws Committee, the interim Joint Bonding Review Committee, and the interim State-Tribal Relations Committee by one or more committee members upon majority vote of the interim committee; or

(4) A bill or joint resolution introduced at the request of the Governor, an executive agency or of the chief justice of the Supreme Court.

6B-5.1. Bill introduction by standing committees. Before a bill or joint resolution can be introduced by a standing committee pursuant to § 2-7-6.1, the bill or resolution shall have received an affirmative vote of a majority of the members of a standing committee at one of its regular meetings ~~with a statement of such fact on a separate slip attached to the cover of the bill and signed by the chair of the committee.~~ The chair of the committee shall electronically file the bill or resolution for the committee.

6E-2. Hoghouse amendments. A substitute bill shall be treated as an amendment and shall be governed by the rules governing amendments. ~~A substitute bill shall include a listing of the sponsors of the substitute bill, who shall be sponsors of the bill as amended by the substitute bill.~~ Final committee action on any bill amended with a substitute bill may not be heard until one legislative day has intervened, if a request for delay is made and supported by at least one-fifth of the committee members-elect unless the chair otherwise delays action on the bill as amended. A request for delay is not in order on the final day for the committee to act upon the bill, according to the committee's schedule.

6H-1. Introduction of commemorations. Any member may introduce a legislative commemoration, which may be cosponsored by other members of either house, ~~by electronically filing it with the bill clerk of that member's house.~~ The prime sponsor shall submit all necessary information to the legislative research council prior to introduction. However, no member may introduce a legislative commemoration after the deadline prescribed by Joint Rule Chapter 17.

6H-2. Numbering of commemorations. Each legislative commemoration shall be numbered consecutively as introduced beginning with No. ~~1-801~~ for the Senate and No. ~~1001-8001~~ for the House of Representatives.

~~**6H-3. Printing and calendaring.**~~ **Calendaring of commemorations.** Upon introduction, ~~the presiding officer shall order the legislative commemoration printed in the journal of that legislative day.~~ The presiding officer shall place each pending legislative commemoration on the calendar of the next legislative day ~~following its printing.~~

6I-2. Waiving electronic requirement. The presiding officer may waive the requirement that any filing, submission, or approval be done electronically, if the electronic system is not available and functional.

7-2. Committee reports. Each committee shall report final committee actions on legislative proposals. The chair of a committee shall ~~sign electronically approve~~ the reports of the committee and present them to the body when the call for committee reports is made. The chair is responsible for the accuracy and propriety of the chair's statements and shall answer any questions pertaining to the report. This rule does not prohibit the committees on legislative procedure from reporting at any time. Formal actions shall be reported to the body not later than the next legislative day in an informational committee report which is printed in the daily journal.

7-12. Joint committees on appropriations. The Joint Committee on Appropriations, consisting of the Senate and House Committees on Appropriations, is deemed to be a standing committee of the Senate and House of Representatives for the limited purposes of hearing agency or other budget presentations, and introducing, hearing, or acting on bills that authorize the sale of state property, appropriate money, or adjust school district property tax levies pursuant to an appropriations bill. All Joint Committee on Appropriations action shall be approved by a majority vote of the Joint Committee unless a member calls for a separate vote of the House Committee on Appropriations and the Senate Committee on Appropriations in which case a majority vote of each committee is required to adopt the action. Each agenda for the Joint Committee on Appropriations shall be electronically approved by the chair of the Senate Committee on Appropriations and the chair of the House Committee on Appropriations. The respective vice chair of each committee may ~~sign electronically approve the agenda~~ in the absence of the chair.

8-2. Conference committee meetings, committee reports, and reports must be germane. Conference committees shall meet in open session, and minutes shall be taken and

prepared in a like manner as provided for in Joint Rule 7-6. The presiding officer of the house of origin shall announce to that body the time and location of each conference committee meeting. The co-chairs of each conference committee shall report the results of each meeting to the body in a conference committee report ~~jointly signed-electronically approved by both~~. The conference committee report must be germane to the title of the bill as submitted to the conference committee. The adoption of any conference committee report constituting final disposition must be approved by the recorded affirmative vote of at least two members from each house.

15-1. Communications by messages. Any communication between the Senate and the House of Representatives shall be by message which shall be ~~signed-approved~~ by the secretary or chief clerk, respectively, and ~~sent-transmitted~~ to the house to which it is addressed.

Respectfully submitted,
Brock L. Greenfield, Chair

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that it has had under consideration the following addition to the Senate rules and returns the same with the recommendation that said rule be adopted:

S3-1. Elective officers. The officers of the Senate are a president pro tempore of the Senate, who shall be a member of the body, a secretary of the Senate and such other officers necessary to conduct the business of the Senate, who shall be formally elected by a majority vote of the members-elect of the Senate. Employees necessary to conduct the business of the Senate shall be appointed by the president pro tempore and their appointment shall be announced at the opening of the session.

Respectfully submitted,
Brock L. Greenfield, Chair

MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 8, 10, 11, and 12** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Jim Stalzer, Chair

MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 26** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 44** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration the nomination of Brian Zeeb to the Interstate Commission for Adult Offender Supervision and returns

the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment.

Respectfully submitted,
Lance Russell, Chair

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 52: FOR AN ACT ENTITLED, An Act to create a state seal specialty plate emblem.

Introduced by: **Senator** Ernie Otten

Was read the first time and referred to the Committee on Transportation.

SB 53: FOR AN ACT ENTITLED, An Act to provide for a discount to senior citizens for state parks and recreation areas.

Introduced by: **Senator** Ernie Otten

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SB 54: FOR AN ACT ENTITLED, An Act to regulate the use of auxiliary containers.

Introduced by: **Senator** Wiik

Was read the first time and referred to the Committee on Commerce and Energy.

SB 55: FOR AN ACT ENTITLED, An Act to require the Board of Regents to prepare a plan providing for the shared administration of South Dakota School of Mines and Technology and Black Hills State University.

Introduced by: **Senator** Maher

Was read the first time and referred to the Committee on Appropriations.

SB 56: FOR AN ACT ENTITLED, An Act to authorize the collection of certain search and rescue service costs.

Introduced by: **Senator** Russell

SB 58: FOR AN ACT ENTITLED, An Act to limit gifts to directors or employees of certain government districts.

Introduced by: **Senator** Russell

SB 61: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding a municipal office nominating petition.

Introduced by: **Senator** Duhamel

Were read the first time and referred to the Committee on Local Government.

SB 57: FOR AN ACT ENTITLED, An Act to provide for the assessment of certain agricultural land as noncropland.

Introduced by: **Senator** Russell

Was read the first time and referred to the Committee on Taxation.

SB 59: FOR AN ACT ENTITLED, An Act to to protect the teaching of certain scientific information.

Introduced by: **Senator** Monroe

Was read the first time and referred to the Committee on Education.

SB 60: FOR AN ACT ENTITLED, An Act to adopt the Physical Therapist Licensure Compact.

Introduced by: **Senator** Duhamel

Was read the first time and referred to the Committee on Health and Human Services.

SECOND READING OF CONSENT CALENDAR ITEMS

Sen. Heinert requested that **SB 27** be removed from the Consent Calendar.

SB 25: FOR AN ACT ENTITLED, An Act to establish certain requirements to maintain state compliance with the Master Settlement Agreement.

Was read the second time.

The question being "Shall **SB 25** pass?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas:

Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert, Phil Jensen, Kennedy, Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, Wismer, and Youngberg

Excused:

Partridge

1 So the bill having received an affirmative vote of a majority of the members-elect, the President
2 declared the bill passed and the title was agreed to.

3 There being no objection, the Senate reverted to Order of Business No. 5, Reports of Standing
4 Committees.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
8 had under consideration **SB 22** and returns the same with the recommendation that said bill be
9 amended as follows:

10 22E

11 On page 10, line 6, of the Introduced bill, after the end of the last paragraph delete
12 "Prosecution of violations.

13 Each state's attorney to whom any violation of this chapter is reported shall cause appropriate
14 proceedings to be instituted and prosecuted without delay."

15 22C

16 On page 2, line 10, of the Introduced bill, delete "fifteen " and insert "thirty "

17 On page 9, line 31, delete "fifteen " and insert "thirty "

18 22A

19 On page 3, line 6, of the Introduced bill, delete "of " and insert "or "

20 On page 5, line 35, after "pesticide;" insert " and"

21 On page 8, line 25, delete "thereunder" and insert "under this chapter"

22 And that as so amended, said bill do pass.

23 Respectfully submitted,
24 Gary L. Cammack, Chair

25 Sen. Ernie Otten moved that the Senate do now adjourn, which motion prevailed and at
26 2:27 p.m. the Senate adjourned.

27 Kay Johnson, Secretary